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ART. XI.—CRITICAL NOTICES.

1.—*A Treatise on the Law of Subrogation, with full References to the Civil Law.* By S. F. DIXON. Philadelphia: George W. Childs. 1862. 8vo. pp. 188.

THIS little volume is precisely what scientific men would call a *monograph*. It treats of one special topic, and adheres to it closely. But the topic is itself of great and growing importance; and it is treated admirably. The word *subrogation* is of recent introduction among English and American lawyers. The thing itself, however, has always existed in the common law; nor could it be wholly absent from any system of law which purported to regulate the contracts and business of society. But in the beautiful system of the civil law the principles of subrogation have been fully developed, and defined and co-ordinated with all the exactness and skill which characterize every department of that law. Mr. Dixon shows himself to be thoroughly acquainted with all English and American authorities which bear upon this topic;—and he brings to the illustration of these authorities a profound and most careful study of the civil law. It is to this fact that we ascribe most of the very great merit of this Treatise. It is one of the proofs that we have not been quite so independent of England in other respects as in our political constitution, that our lawyers have so generally adopted the English prejudice against the civil law. Of England's power over our ways of thinking, it might be said, as was said of Rome in reference to the influence of her civil law, She governs us now “haud ratione imperii, sed imperio rationis.” But with this difference. The law of Rome was perhaps the most admirable system of municipal law ever devised by man. It did nothing but good,—it could do nothing but good, when it reformed and civilized the fragmentary and incoherent codes—if codes they should be called—which prevailed in Western Europe in the Middle Age. But the influence of English law upon American law has been, if in part good, in part also evil,—so far, at least, evil, as it has prevented the more diligent study of the civil law, and the more free reception of its principles, when they would have helped to remove unquestionable blemishes, reduce into order disturbing anomalies, and supply wants which all acknowledge. We hope that this little work will be as widely diffused and as much studied as its merits deserve; and we hope this all the more because every chapter proves not only the author's intelli-

gent and thorough study of the civil law, but the great utility of this study to one who would treat at once accurately and exhaustively a practical topic of our own law.

In his Introduction Mr. Dixon states, that it is his design to trace the doctrine of subrogation to its original source in the Roman law, and to compare the principles of Roman jurisprudence on that subject with the rules applied to subrogation at the common law, and more especially with the law as understood and administered in the United States. Very few are the authors who have carried their design more completely into effect.

Subrogation cannot be better defined than in the first two lines of the Treatise. It is the substitution of another person in the place of a creditor, to whose rights he succeeds in relation to his debt. For example, a purchaser of land finds that a creditor of the seller has a mortgage upon it. The purchaser must pay the debt or lose his land. If he pays it, and the mortgage is discharged, some other creditor, with a right posterior to the mortgagee's, but prior to the purchaser's, might come in. But if the purchaser has the right of subrogation, he may insist that the mortgage shall not be discharged, but transferred to him. Then he is substituted for the creditor who was mortgagee, and has all his rights as purchaser with the rights of a mortgagee super-added. This would be subrogation in favor of a purchaser. It may also exist in favor of a joint debtor, of a surety, of a surety of a surety, of the holder of negotiable instruments, of a trustee of insurers, of a legatee, or, in some cases, of a mere stranger. All these different forms and aspects of subrogation are considered in the different chapters of Mr. Dixon's volume. It closes with a very able chapter on the nature of the rights acquired by subrogation. We recommend this Treatise to all our legal readers. A man must have very little business who does not find it useful.

2.—*La Littérature Indépendante et les Écrivains Oubliés.* Par VICTOR FOURNEL. Paris. 1862. 12mo. pp. 484.

THE tendency of the present age, as the author of this work says in his Preface, is towards erudition. The critic and literary historian seeks not so much to lay open the great periods of literary activity, as to satisfy the curiosity of his readers upon the more obscure intervals which have heretofore been overlooked. M. Victor Fournel has as much as any writer contributed to satisfy the lovers of recondite learning. His History of the Pont-Neuf, published two years ago, abounds